## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA	)
Plaintiff,	) 8:05CR145 )
vs.	) DETENTION ORDER
JESUS S. HINOJOSA,	
Defendant.	<b>'</b>
A. Order For Detention  After conducting a detention hearing pursual Act on April 27, 2005, the Court orders the ato 18 U.S.C. § 3142(e) and (i).	
will reasonably assure the appearance	because it finds: nat no condition or combination of conditions be of the defendant as required. t no condition or combination of conditions
methamphetamine (Count minimum sentence of ten imprisonment; the distribution of 21 U.S.C. § twenty years imprisonment during a drug trafficking of 924(c) carries a mandatimprisonment.  X (b) The offense is a crime of the offense involves a nate (d) The offense involves a lare (d) The weight of the evidence again X (a) The history and characteristics of (a) General Factors:  The defendant apperaisation of the defendant has many the defendant has many the defendant is not the defendant does the defendant of the defendant does the defendant of the defendant	Report, and includes the following: offense charged: y to distribute in excess of 500 grams of t I) in violation of 21 U.S.C. § 846 carries a years imprisonment and a maximum of life oution of methamphetamine (Count II) in 841(a)(1) carries a maximum sentence of nt; and the use and carrying of a firearm offense (Count III) in violation of 18 U.S.C. § atory consecutive sentence of five years violence - see 18 U.S.C. § 3156(a)(4)(B). arcotic drug. oge amount of controlled substances, to wit:  nst the defendant is high. of the defendant including:  ears to have a mental condition which may be sefendant will appear. on family ties in the area. as no steady employment. as no substantial financial resources. t a long time resident of the community. not have any significant community ties.

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			<ul> <li>The defendant has a history relating to alcohol abuse.</li> <li>The defendant has a significant prior criminal record.</li> <li>The defendant has a prior record of failure to appear at cour proceedings.</li> </ul>	rt
		(b)	At the time of the current arrest, the defendant was on:  Probation Parole	
		(c)	Release pending trial, sentence, appeal or completion o sentence.  Other Factors:	f
		(0)	<ul> <li>X The defendant is an illegal alien and is subject to deportation.</li> <li>The defendant is a legal alien and will be subject to deportation if convicted.</li> </ul>	
			The Bureau of Immigration and Custom Enforcement (BICE has placed a detainer with the U.S. Marshal.  Other:	:)
_X_	(4)		ature and seriousness of the danger posed by the defendant's release follows: The nature of the charges in the Indictment.	е
_X_	(5)	Rebu	ttable Presumptions	
	( )	In dete	ermining that the defendant should be detained, the Court also relied or	
			llowing rebuttable presumption(s) contained in 18 U.S.C. § 3142(e	;)
	Χ		the Court finds the defendant has not rebutted: That no condition or combination of conditions will reasonably assure	е
		_ (u)	the appearance of the defendant as required and the safety of an	
			other person and the community because the Court finds that the crime	
			involves:	
			X (1) A crime of violence; or	
			<ul> <li>X (2) An offense for which the maximum penalty is life imprisonment or death; or</li> </ul>	Э
			X (3) A controlled substance violation which has a maximum	ก
			penalty of 10 years or more; or	
			(4) A felony after the defendant had been convicted of two o	
			more prior offenses described in (1) through (3) above, and	
			the defendant has a prior conviction for one of the crimes	
			mentioned in (1) through (3) above which is less than five years old and which was committed while the defendant was	
			on pretrial release.	3
	X	_ (b)	That no condition or combination of conditions will reasonably assure	е
		. ,	the appearance of the defendant as required and the safety of the	
			community because the Court finds that there is probable cause to	Э
			believe: _X_ (1) That the defendant has committed a controlled	Ч
			substance violation which has a maximum penalty of 10	
			years or more.	•
			X (2) That the defendant has committed an offense under 18	
			U.S.C. § 924(c) (uses or carries a firearm during and in	
			relation to any crime of violence, including a crime of	
			violence, which provides for an enhanced punishment committed by the use of a deadly or dangerous weapon	
			or device).	

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Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshalfor the purpose of an appearance in connection with a court proceeding.

DATED: April 28, 2005. BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge